

#### **405 KAR 3:080. Topsoil handling and revegetation.**

RELATES TO: KRS 350.151

STATUTORY AUTHORITY: KRS 350.151

NECESSITY, FUNCTION, AND CONFORMITY: KRS 350.151 requires the Environmental and Public Protection Cabinet to adopt rules and administrative regulations for the surface effects of underground coal mining. This administrative regulation sets forth requirements relating to revegetation or the handling of topsoil.

Section 1. Topsoil Handling. Topsoil shall be removed as a separate operation from areas to be disturbed by surface operations, such as roads and areas upon which support facilities are to be sited. Selected overburden materials may be used instead of, or as a substitute for topsoil where the resulting soil medium is determined by the cabinet to be equal to or more suitable for revegetation. Topsoil shall be segregated, stockpiled, and protected from wind and water erosion, or contaminants. Disturbed areas no longer required for the conduct of mining operations shall be regraded, topsoil distributed, and revegetated.

Section 2. Revegetation. The permittee shall establish on all land that has been disturbed by mining operations a diverse, effective, and permanent vegetative cover capable of self-regeneration and plant succession, and adequate to control soil erosion. Introduced species may be substituted for native species if approved by the cabinet. Introduced species shall meet applicable state and federal seed or introduced species statutes, and may not include poisonous or potentially toxic species. (4 Ky.R. 415; eff. 5-3-78; Am. 517; 5 Ky.R. 225; eff. 8-23-78; TAm eff. 8-9-2007.)